

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAVID HIERGESELL,

Plaintiff,

-against-

THE INSURANCE COMPANY OF THE
STATE OF PENNSYLVANIA,

Defendant,
-----X

STIPULATION AND ORDER

Civil Action No. 07 CV 3435 (TPG)

Thomas P. Griesa, J.
Andrew J. Peck, M.J.

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned,
that the above-entitled action has been settled for the sum of \$45,000.00 without interest, costs
or disbursements to either party and the action is hereby discontinued and dismissed with
prejudice.

Defendant shall make payment of the settlement payable to "David Hiergesell and Frank
J. Laine, P.C. as attorney" within twenty-one days of its receipt of this stipulation and a general
release.

This Stipulation may be filed and "So-Ordered" without further notice.

Dated: June 26, 2007

S/

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S/

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So Ordered,

THOMAS P. GRIESA, U.S.D.J.